
22d NOVEMBER, 1804.

Read the first and second time, and committed to a Committee of the whole House to-morrow.

A B I L L

For the more effectual preservation of peace in the ports and harbors of the United States, and in the waters under their jurisdiction.

1 **Be it enacted**, by the Senate and House of Representatives
2 of the United States of America, in Congress assembled, That
3 whensoever any treason, felony, misprision of treason, or of fe-
4 lony, misdemeanor, breach of the peace, or of the revenue laws
5 of the United States, shall hereafter be committed within the ju-
6 risdiction of the United States, and the person committing the
7 same, shall be on board of any foreign armed vessel, in any port
8 or harbor of the United States, or in the waters within the juris-
9 diction of the United States, it shall be the duty of any judge or
10 justice of any court of the United States, or any judge or jus-
11 tice of any state court, or any mayor of a city, upon satisfactory
12 proof thereof to him made, to issue his warrant specifying the na-

13 ture of the offence, and directed to a sheriff or marshall, com-
 14 manding him to take the body of the offender, and bring him be-
 15 fore the said judge or justice, or other person as aforesaid, to be
 16 dealt with according to law. And if the officer, charged with
 17 the execution of the said warrant, shall deem the ordinary *posse*
 18 *comitatus* insufficient to ensure the execution of the same, he shall
 19 apply to the said judge or justice, or other person authorised as
 20 aforesaid, or to any of them, who shall immediately issue his or-
 21 der, directed to any officer having command of militia, or any of-
 22 ficer having command of regular troops or of armed vessels of
 23 the United States, in the vicinity, requiring him to aid the said
 24 sheriff or marshall with all the force under his command, or such
 25 part as may be necessary, in executing the warrant aforesaid.
 26 And the said marshall or sheriff, conforming himself in all things
 27 to the instructions which he shall receive from the President of
 28 the United States, or from any other person authorised by the
 29 President, shall first demand the surrender of the person charged
 30 with the offence; and if delivery be not made, or if the sheriff or
 31 marshall be obstructed from making the demand, he shall use all
 32 the means in his power by force and arms, to arrest the offender,
 33 and all others who are with him, giving him aid and countenance,
 34 and he shall convey the said offender, and all others arrested as
 35 aforesaid, and deliver them to the civil authority, to be dealt with
 36 according to law. And if death ensues on either side, those who
 37 are concerned in support of the civil authority, shall be justified,

38 and those engaged in resisting, shall be punished as in cases of
 39 homicide committed in resisting a civil officer. And if any com-
 40 manding officer of militia, of regular troops, or armed vessels of
 41 the United States, shall refuse to obey the requisition so made
 42 of him as aforesaid, he shall be fined a sum not exceeding

43 dollars, and not less than

44 dollars, to be recovered by indictment or information, in any court
 45 in the United States having competent jurisdiction.

1 SEC. 2. And in order to prevent insults to the authority of the
 2 laws, whereby the peace of the United States with foreign na-
 3 tions may be endangered, *Be it further enacted*, That it shall be
 4 lawful for the President of the United States, either to permit
 5 or interdict at pleasure, the entrance of the harbors and waters
 6 under the jurisdiction of the United States, to all armed vessels
 7 belonging to any foreign nation, and by force to repel and remove
 8 them from the same, except when they shall be forced in by dis-
 9 tress, by the dangers of the sea, by being pursued by an ene-
 10 my, or when charged with dispatches or business from the go-
 11 vernment to which they belong ; in which cases, as well as in all
 12 others when they shall be permitted to enter, the commanding
 13 officer shall immediately report his vessel to the collector of the
 14 district, stating the object or causes of his entering the harbor or
 15 waters, shall take such position in the harbor or waters, as shall
 16 be assigned him by such collector, and shall conform himself, his
 17 vessel and crew, to such regulations, respecting health, repairs,

18 supplies, stay, intercourse and departure, as shall be signified to
 19 him by the said collector, under the authority and directions of
 20 the President of the United States; and not conforming thereto,
 21 shall be required to depart from the United States.

1 SEC. 3. *And be it further enacted*, That whensoever any armed
 2 vessel of a foreign nation, entering the harbors or waters within
 3 the jurisdiction of the United States, and required to depart there-
 4 from by the collector of the district, shall fail to do so, it shall be
 5 lawful for the President of the United States to forbid by procla-
 6 mation all intercourse with such vessel, and with every armed
 7 vessel of the same nation, and the officers and crew thereof; to
 8 prohibit all supplies and aid from being furnished them, and also
 9 to instruct the collector of the district, where such armed vessel
 10 shall be, and of any and every other district of the United States,
 11 to refuse permission to any vessel belonging to the same nation,
 12 or to its citizens or subjects, to make entry or unlade, so long as
 13 the said armed vessel shall remain in the harbors or waters of the
 14 United States in defiance of the public authority. And if after
 15 publication of the said proclamation, any person shall, in contempt
 16 thereof, furnish any supplies or aid to such armed vessel, or any
 17 other contrary to the prohibition contained in the said proclamation,
 18 the person or persons so offending shall forfeit and pay a sum not
 19 exceeding dollars, to be recovered by indictment or infor-
 20 mation in any court in the United States having competent juris-

21 diction, and shall also be liable to be bound to their good beha-
 22 viour.

1 SEC. 4. *And be it further enacted*, That whensoever any officer
 2 of an armed vessel commissioned by any foreign power, shall be
 3 guilty of any offence made punishable by this act, or shall on the
 4 high seas or elsewhere, have committed any trespass on any citi-
 5 zen or vessel of the United States, spoliation of their property,
 6 or vexation of trading vessels coming to or going from the United
 7 States, it shall be lawful for the President of the United States,
 8 on due proof of the facts, by proclamation, forever, to interdict the
 9 entrance of the said officer within the limits of the United States ;
 10 and if he be found therein thereafter, he shall be liable to be ar-
 11 rested, and punished by fine and imprisonment, in any court in
 12 the United States having competent jurisdiction, both for the of-
 13 fence with which he was originally charged, and also for having
 14 entered within the limits of the United States, after having been
 15 interdicted, and shall likewise be transported to such ports beyond
 16 seas, as the court shall determine, and so as often as he shall be
 17 found within the limits of the United States, after having been in-
 18 terdicted as aforesaid.

1 SEC. 5. *And be it further enacted*, That the President of the
 2 United States shall be, and he is hereby authorised and required,
 3 to give as soon as may be, after the passage of this act, to the col-
 4 lectors of the respective ports, and to such other persons as he
 5 may think proper, the necessary instructions for carrying this act

6 into effect, particularly marking out the line of conduct to be ob-
7 served by a sheriff or marshall, and by the several collectors in
8 performing the duties enjoined by this act.

1 SEC. 6. *And be it further enacted*, That if any person shall be
2 sued for any thing done in pursuance of this act, he may plead
3 the general issue and give this act in evidence, any thing in any
4 law, custom, or usage, to the contrary notwithstanding.